

Appl. N . 09/838,532
Amdt. dated May 17, 2004
Reply to Office Action of February 17, 2004

PATENT

REMARKS/ARGUMENTS

Upon entry of this amendment, claims 1-23 have been canceled and claims 24-35 have added; claims 24-35 remain pending. It is believed that claims 24-35 are fully supported by the specification and do not introduce any new matter.

It is submitted that all the cited art including U.S. Pat. No. 5,805,895 by Breternitz et al. ("Breternitz") and U.S. Pat. No. 5,835,768 ("Miller"), does not disclose or suggest the present invention as defined by claims 24-39. For at least the reasons set forth below, Applicants respectfully submit that claims 24-39 are patentable over the cited art.

Breternitz discloses a system that translates "foreign" code to "native" code using a rescheduling criterion that is established based on an optimization efficiency. However, Breternitz does not disclose or suggest at least one or more of the features of the present invention as recited in claims 24-39. For example, with respect to claim 24, the cited excerpt in Breternitz, col. 6, lines 39-44, merely describes storing the translation software and foreign user program on an external storage. There is no mention of storing any translated code in an external storage. The cited excerpt in Miller, col. 8, lines 8-9, merely describes storing object code in a permanent database. However, Breternitz and Miller do not disclose or suggest using a combination of a volatile memory and a non-volatile memory to store any translated code. Hence, it is submitted that claim 24 is patentable over the cited art.

Claims 25-27 depend, either directly or indirectly, from claim 24 and, therefore, at least derive their patentability therefrom. Hence, claims 25-27 are also patentable over the cited art. Notwithstanding the foregoing, it should be noted that at least some if not all of claims 25-27 by themselves are also patentable over the cited art.

Similarly, the same arguments and rationale set forth above in connection with claim 24 also apply to claim 28 with equal force. Hence, it is submitted that claim 28 is patentable over the cited art.

Claims 29-35 depend, either directly or indirectly, from claim 28 and, therefore, at least derive their patentability therefrom. Hence, claims 29-35 are also patentable over the cited

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art. Notwithstanding the foregoing, it should be noted that at least some if not all of claim 29-35 by themselves are also patentable over the cited art.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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Attachments
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